REMARKS/ARGUMENTS

Claims 1-44 are pending. Please amend claim 17. No claims have been added, canceled, or withdrawn. In view of the following remarks/arguments, withdrawal of all outstanding objections and rejections to the pending claims is respectfully requested.

Claim Rejections Under 35 USC §102(a)

Claims 1-4, 6-7, 20-21, 23, 25, 30-34, and 36 stand rejected under 35 USC §102(a) as being anticipated by the article titled "Representing Internet Streaming Media Metadata using MPEG-7 Multimedia Description Schemes" by Rehm (hereinafter referred to as "Rehm"). These rejections are traversed.

It is a fundamental aspect of patent law, that to anticipate a claim, a reference must teach each and every element of the claim (MPEP §2131). Rehm does not teach each and every element of claims 1-4, 6-7, 20-21, 23, 25, 30-34, and 36.

For instance, **claim 1** recites in part "providing, by a computing device, a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format", and "forming a second playlist in the canonical playlist format". Rehm does not teach each and every element of claim 1. In addressing claim 1, the Action at page 3 concludes that Rehm's description of XSL style sheets to transform data to MPEG-7 Segment description scheme (DS) and Segment Decomposition DS to model a hierarchical playlist, describes "a plurality of

translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", as claim 1 recites. This conclusion is unsupportable.

It is respectfully submitted that Rehm, which describes "Representing Internet Streaming Media Metadata using MPEG-7 Multimedia Description Schemes" is directed to the construction and population of a searchable database of Internet streaming media, and not to "a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", as claim 1 recites. Rehm describes use of MPEG-7 Multimedia Description Scheme (MDS) as a guiding model to build on. The Multimedia Description Group of MPEG-7 created a top-level entity and called it "Generic AV DS". This entity describes the audio and visual contents of a single AV document. Rehm generates this DS based on content of a playlist to create an implementation of an Internet streaming media searchable database. This interpretation of Rehm is supported by Randa Hilal in an article titled "A Survey on MPEG-7 A Multimedia Content Description Interface", Department of Computer Science, Kent State University, November 2001, which is hereby incorporated by reference.

For instance, the abstract and section 3 of Rehm describes modeling a playlist with a streaming audio video (AV) description scheme (DS) to describe characteristics of audio and visual contents of AV objects specified in the playlist (Rehms'). However, the DS of Rehm is not "a canonical playlist format", as claim 1 recites. Rather, Rehm at section 3.4 describes that the DS is used to "categorize media streams into a proprietary DS taxonomy" to "allows our customers to provide tabs or a directory-like browse feature for their search engine users." Fig.

2 of Rehm shows exemplary description scheme (DS)—DS that the Abstract of Rehm states is critical for building an internet search engine. Fig. 2 shows that the model includes media information (see also, Fig. 3), creation information (see also, Fig. 4), usage information, spoken contents, etc.

Referring to Fig. 3 and section 3.2, Rehm describes that media information DS (description scheme) includes media identification, media format, media coding, media instance, and other information. As an example of how this information can be used to facilitate location of streaming media, Rehm describes in the last paragraph of page 54, that such information is used to represent two identical instances of particular stream on the Internet (very common with MP3 for example). It is respectfully submitted that such multiple instance representations are likely propagated to the database of Rehm to allow a search engine to locate specific instances of a particular stream in the database.

Referring to Fig. 4 of Rehm, and section 3.3, Rehm describes that creation information description scheme (DS) binds together creation and classification information about AV content and other material related to it. It contains by whom and with what name, when, and where the content was created. This information can be extracted in many different ways. Automatic extraction form the header of the stream is one way, and automatic extraction from the referring web page that contains the URL of the stream is another. Rehm does not describe that such information is extracted from a stream header to create a different playlist. Rather, Rehm describes that such information is used to identify primary creation roles such as author and artist—the "who, what event, what object, when, where, and why". As explicitly described at the end of section 3.3, Rehm states that such who, what, where and why data "is used for any searchable free-text

element such as an abstract, keywords, and album description. It is respectfully submitted that such a "searchable free-text element" is used by a search engine to locate a piece of streaming media from a searchable database, and not for "forming a second playlist in the canonical playlist format", as claim 1 recites.

Section 5.4 of Rehm describes use of XSL style sheets to convert streaming media metadata from a proprietary data format into a streaming AV description scheme (DS) such as that described above with respect to Fig. 2 of Rehm. As already shown, the DS that is created by Rehm is not a playlist, but is rather a description scheme used to allow a search engine to locate streaming media of interest in a database. This interpretation of Rehm is in line with Hilal's interpretation of Rehm in the 2001 article described above, and in line with Rehm's description that does not describe converting a playlist to another playlist, but instead models a playlist with a descriptive scheme (DS) to facilitate search engine querying to locate streaming media.

Clearly, for at least each of the above reasons, the DS of Rehm is not "a second playlist in the canonical playlist format", as claim 1 recites. Thus, the assertion by the Action at page 3 that Rehm's description of XSL style sheets to transform data to MPEG-7 Segment description scheme (DS) and Segment Decomposition DS to model a hierarchical playlist describes "a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format" as claim 1 recites, is unsupportable. It is respectfully submitted that a system of Rehm may never "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format", and "forming a second playlist in the canonical playlist format",

as Applicant claims. For at least these reasons, Rehm does not teach each and every feature of claim 1.

Accordingly, the 35 USC §102(a) rejection of claim 1 is improper and should be withdrawn.

As an additional matter, if this claim is again rejected as being anticipated by Rehm, Applicant respectfully requests the Office to particularly point out where Rehm describes that the DS being created by Rehm is "a second playlist in the canonical playlist format", as Applicant claims.

Claims 2-4, 6, and 7 depend from claim 1 and are not anticipated by Rehm at least by virtue of this dependency. Accordingly, the 35 USC §102(a) rejection of these claims is improper and should be withdrawn.

Claim 20 recites "a playlist server component that uses a canonical playlist to represent playlists, each canonical playlist having a canonical data format", translator components for use by the playlist server component, the translator components accepting non-canonical playlists having non-canonical formats for translation to the canonical format", and "wherein the playlist server performs operations comprising: receiving a non-canonical playlist", "providing the non-canonical playlist to one of the translator components to translate the non-canonical playlist into the canonical format for addition to the canonical playlist", and "streaming media referenced by the canonical playlist."

For the reasons already discussed above with respect to claim 1, Rehm does not anticipate the recited features of claim 20. Accordingly, the 35 USC §102(a) rejection of claim 20 is improper and should be withdrawn.

Claims 21, 23, 25, and 30 depend from claim 20 and are not anticipated by Rehm at least by virtue of this dependency.

Accordingly, the 35 USC §102(a) rejection of claims 21, 23, 25, and 30 is improper and should be withdrawn.

Claim 31 recites "accessing a first playlist that has a non-canonical format", "providing a plurality of translators to translate playlists from a plurality of different native data formats to a canonical data format", and "invoking one of the translators to translate the first playlist into the canonical data format, forming a second playlist that is based on the canonical data format."

For the reasons already discussed above with respect to claim 1, Rehm does not anticipate the recited features of claim 31.

Accordingly, the 35 USC §102(a) rejection of claim 31 is improper and should be withdrawn.

Claims 32-34 and 36 depend from claim 31 and are not anticipated by Rehm at least by virtue of this dependency.

Accordingly, the 35 USC §102(a) rejection of these claims is improper and should be withdrawn.

Claim Rejections Under 35 USC §103(a)

Claims 8-9, 24, and 38-39 stand rejected under 35 USC §103(a) as being unpatentable over Rehm in view of the press release "W3C Issues First Public Draft of Synchronized Multimedia Integration Language (SMIL)", by the World Wide Web Consortium (hereinafter "W3C"). These rejections are traversed.

Claim 8 recites "wherein the canonical playlist format is a Synchronized Multimedia Integration Language (SMIL) data format". In addressing claim 8, the ACTION asserts the following at page 7: "Rehm discloses the method of claim 1 as above", and that although "Rehm does not teach the use of SMIL [...] for the

canonical playlist as claimed", "W3C discloses the use of SMIL as an industry standard". In view of this, the ACTION concludes that it would have been obvious for a person of ordinary skill in the art a the time of invention to use a SMIL interface [particularly XSL stylesheets for conversion to SMIL] to create Rehm's canonical playlists in a SMIL data format as opposed to the MPEG-& MDS format as disclosed." This conclusion is unsupportable.

For the reasons already described above with respect to claim 1, Rehm does not teach or suggest "a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format", and "forming a second playlist in the canonical playlist format", as claim 1 recites. Thus, combining the system of Rehm, which describes use of modeled AV playlist contents to construct internet streams into a proprietary DS taxonomy for querying by a search engine, in view of the SMIL of W3C, does not cure the above described deficiencies of Rehm. Since claim 8 depends on claim 1, and for at least this reason, claim 8 is not obvious over the cited combination of Rehm in view of W3C

Accordingly, the 35 USC §103(a) rejection of claim 8 is improper and should be withdrawn.

As an additional matter, it is a fundamental principal of patent law that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." (See, the MPEP §2143.01).

In this case, in addressing the features of claim 8, the Action asserts that it would have been obvious for a person of ordinary skill in the art a the time of invention to use a SMIL interface [particularly XSL stylesheets for conversion to SMIL] to create Rehm's canonical playlists in a SMIL data format as opposed to the MPEG-& MDS format as disclosed." Applicant disagrees. It is respectfully submitted that such a modification to a system of Rehm, which models a playlist to create DS, and not another playlist, would likely frustrate the purpose of Rehm, which is to generate DS to facilitate search engine search operations.

More specifically, W3C is completely silent with respect to any teaching that SMIL provides a proprietary DS taxonomy, as required by Rehm, for search engine querying to locate Internet streaming media. Thus Rehm may never use "XSL stylesheets for conversion to SMIL", which in effect, would replace a DS taxonomy for querying by a search engine with a SMIL object. It is respectfully submitted in view of Rehm's explicit description in section 3.1, that a system of Rehm would be more likely to model a SMIL object to create proprietary DS taxonomy, rather than the other way around as the Action proposes with its modification to Rehm. For at least these reasons, it is respectively submitted that the Action's proposed modification would change the principle of operation of Rehm.

Because the principle of operation of Rehm would be changed by the Action's proposed modification to Rehm, the teaching of Rehm in view of W3C are not sufficient to render claim 8 prima facie obvious.

Accordingly, and for this additional reason, the 35 USC §103(a) rejection of claim 8 is improper and should be withdrawn.

Claim 9 recites "creating, by a computing device, the second playlist via a SMIL interface." For the reasons already discussed with respect to claim 8, the cited combination does not teach or suggest these recited features.

Accordingly, the 35 USC §103(a) rejection of claim 9 is improper and should be withdrawn.

Claims 24 and 38 recite "wherein the canonical data format is SMIL data format." For the reasons already discussed with respect to claim 8, the cited combination does not teach or suggest these recited features. Accordingly, the 35 USC §103(a) rejections of claims 24 and 38 are improper and should be withdrawn.

Claim 39 recites "wherein a SMIL interface is used to form the second playlist." For the reasons already discussed with respect to claim 8, the cited combination does not teach or suggest these recited features. Accordingly, the 35 USC §103(a) rejection of claim 39 is improper and should be withdrawn.

Claims 5, 10-19, 22, 26-29, 35, 37, and 40-44 stand rejected under 35 USC §103(a) as being unpatentable over Rehm and further in view of U.S. Patent No. 5,974,503 to Venkatesh et al ("Venkatesh"). These rejections are traversed.

Claims 5 and 10-19 depend from claim 1. For the reasons already described above with respect to claim 1, Rehm does not teach or suggest "a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format", and "forming a second playlist in the canonical playlist format", as claim 1 recites.

In addressing <u>claim 5</u>, the Action admits that Rehm does not teach "dynamically interrupting, by a computing device, a particular media item as it is being streamed from the second playlist", as claim 5 recites. To supply this missing feature, the Action relies on the secondary reference of Venkatesh to conclude that the recited features would have been obvious to one of ordinary skill in the art at the time of invention to add Venkatesh's dynamic playlist editing functionality to the system of Rehm so as to allow dynamic interruption of a streaming media item for editing of the playlist. This conclusion is unsupportable.

Firstly, prior art patents are references only for what they clearly disclose or suggest. It is not proper to use a patent as a reference to modify its structure to one which prior art references do not suggest. Modification unwarranted by the disclosure of a reference is unwarranted. Nowhere does Rehm teach or suggest interruption of any streaming media item. Rather, Rehm teaches that a playlist identifying a streaming media item is modeled with a description scheme (DS) The DS is for querying by a search engine to locate a particular media item. This teaching is completely silent on interrupting streaming media of any type. Thus, the disclosure of Rehm does not warrant any modification "to add Venkatesh's dynamic playlist editing functionality to the system of Rehm so as to allow dynamic interruption of a streaming media item for editing of the playlist", as the Action asserts. Thus, Rehm cannot be combined with Venkatesh in the manner suggested by the Action to support a 35 USC §103 rejection, and the Action has not made a prima facie case of obviousness with respect to the recited features of claim 5.

Accordingly, the 35 USC §103(a) rejection of claim 5 is improper and should be withdrawn.

As an additional matter, if this rejection is again made on the same basis, it is respectfully requested for the Office to particularly point out where it believes that Rehm makes any suggestion to dynamically interrupt streaming media.

Moreover, Venkatesh, at cols. 44-48, teaches creation, modification, and use of playlists. However, nowhere does Venkatesh teach or suggest converting a playlist from one data format to different data format. For at least this reason, the secondary reference does not cure the deficiencies of Rehm. The cited combination of Rehm, which describes modeling AV playlist contents to construct internet streams into a proprietary DS taxonomy for querying by a search engine, in view of Venkatesh's editing during playback of a clip still does not teach or suggest "providing, by a computing device, a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format", and "forming a second playlist in the canonical playlist format", as claim 1 recites, and upon which claims 5 and 10-16 depend. For this additional reason alone, claims 5, and 10-16 are not obvious over the cited combination.

Accordingly, the 35 USC §103(a) rejections of claims 5 and 10-16 over Rehm in view of Venkatesh are improper and should be withdrawn.

Claim 17 recites "accessing, by a computing device, a playlist", "imposing, by the computing device, a policy on the content referenced by the playlist in a manner that is independent of a modification to the playlist, wherein imposing the policy results in a particular set of media references in a second playlist", and "retrieving, by a computing device, media content referenced by the particular

media references." Nowhere does the cited combination teach or suggest these recited features.

In addressing this claim, the Action asserts at page 11 that claim 17 is rejected for the same reasons that claim 10 was rejected. As a preliminary matter, although there may be some overlap between the features of claims 10 and 17, the claims are not identical. Applicant has claimed a number of features in these respective claims to conform to the PTO-preferred practice of submitting claims having a range of breadth. Applicant has submitted extra fees for the inclusion and examination of these claims. In response to this effort, it is the PTO's responsibility to fully examine each of these claims, and to give full consideration to each of the limitations of these claims. If this claim is again rejected, the Office is respectfully requested to address each claim feature of this claim in its corresponding rejection.

Reasons why Rehm does not teach or suggest "imposing, by the computing device, a policy on the content referenced by the playlist in a manner that is independent of a modification to the playlist, wherein imposing the policy results in a particular set of media references in a second playlist", as claim 17 recites were presented above with respect to claim 1. Arguments why Venkatesh does not teach or suggest these recited features were already presented in the Response to the July 30, 2003 Office Action. These arguments are not repeated verbatim, but are incorporated by reference. The Office is urged to reconsider those arguments in view of the following.

Venkatesh teaches that when a playlist is edited, the edited playlist is modified. Thus, when Venkatesh edits a playlist, the editing being performed will never be "independent of a modification to the playlist", as claim 17 recites. Thus,

a system of Rehm, which describes modeling AV playlist contents to construct internet streams into a proprietary DS taxonomy for querying by a search engine, in view of Venkatesh's playlist edits that result in a modified playlist, may never "imposing, by the computing device, a policy on the content referenced by the playlist in a manner that is independent of a modification to the playlist, wherein imposing the policy results in a particular set of media references in a second playlist", as claim 17 recites.

Accordingly, the 35 USC §103(a) rejection of claim 17 is improper and should be withdrawn.

Claims 18 and 19 depend from claim 17 and are not obvious over Rehm in view of Venkatesh at least by virtue of this dependency. Accordingly, the 35 USC §103(a) rejection of claims 18 and 19 is improper and should be withdrawn.

Claims 22 and 26-29 depend from claim 20. For the reasons already described above with respect to claim 20, Rehm does not teach or suggest "recites "a playlist server component that uses a canonical playlist to represent playlists, each canonical playlist having a canonical data format", translator components for use by the playlist server component, the translator components accepting non-canonical playlists having non-canonical formats for translation to the canonical format", and "wherein the playlist server performs operations comprising: receiving a non-canonical playlist", "providing the non-canonical playlist to one of the translator components to translate the non-canonical playlist into the canonical format for addition to the canonical playlist", and "streaming media referenced by the canonical playlist", as claim 20 recites. Combining Rehm, which describes use of such modeled AV playlist contents to construct internet streams into a proprietary DS taxonomy for a searchable database of Internet streaming media,

with Venkatesh's editing during playback of a clip still does not teach or suggest these recited features of claim 20. For this reason alone, claims 22 and 26-29, which depend from claim 20, are not obvious over the cited combination.

Accordingly, the 35 USC §103 rejection of claims 22 and 26-29 should be withdrawn.

If these claims are again rejected in view of the cited combination of Rehm in view of Venkatesh, Applicant respectfully requests the Office to particularly point out where the cited combination teaches or suggests these recited features of claim 20, which is a respective base claim of claims 22 and 26-29.

Claims 35, 37, and 40-44 depend from claim 31. For the reasons already described above with respect to claim 31, Rehm does not teach or suggest the features of claim 20. Moreover, the cited combination of a system of Rehm, which describes use of such modeled AV playlist contents to construct internet streams into a proprietary DS taxonomy for a searchable database of Internet streaming media, in view of Venkatesh's editing during playback of a clip still does not teach or suggest "accessing a first playlist that has a non-canonical format", "providing a plurality of translators to translate playlists from a plurality of different native data formats to a canonical data format", and "invoking one of the translators to translate the first playlist into the canonical data format, forming a second playlist that is based on the canonical data format, as claim 31 recites. For this reason alone, claims 35, 37, and 40-44 are not obvious over the cited combination.

Accordingly, the 35 USC §103 rejections of claims 35, 37, and 40-44 are improper and should be withdrawn.

If these claims are again rejected in view of the cited combination of Rehm in view of Venkatesh, Applicant respectfully requests the Office to particularly point out where the cited combination teaches or suggests these recited features of claim 31, which is a respective base claim of claims 35, 37, and 40-44.
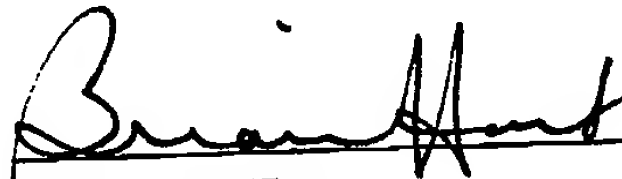
Conclusion

Pending claims 1-44 are in condition for allowance, and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned prior or issuance of a subsequent Office action.

Respectfully submitted,

Dated: 01/07/2005   By: _____

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